



# UNITED STATES PATENT AND TRADEMARK OFFICE

*mn*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,353	07/22/2003	Sascha Baumeister	DE920020019US1	7584
30206	7590	08/03/2007		
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER CHRISTENSEN, SCOTT B	
			ART UNIT	PAPER NUMBER
			2144	
			MAIL DATE	DELIVERY MODE
			08/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>10/624,353</p>	<p><b>Applicant(s)</b></p> <p>BAUMEISTER ET AL.</p>	
	<p><b>Examiner</b></p> <p>Scott Christensen</p>	<p><b>Art Unit</b></p> <p>2144</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/25/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 5/25/2007.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-14, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication number US 2003/0236912 A1 to Klemets et al., hereafter referred to as "Klemets."

With regards to claim 1, Klemets discloses a method for streaming a media file over a distributed information system to a client computer running a browser application, the method comprising the steps of: receiving a request for a particular media file from a client computer (Klemets: Paragraph [0016]); providing a metafile, whereby said metafile contains information about the identification (Klemets: Paragraph [0038]. The "Title" field is information about the identification.), location (Klemets: Paragraphs [0012] and [0041]. The metadata includes a stream attribute identifying a media stream, where a media stream identifier has a one to one relationship with a URL, which means that the stream attribute constitutes location information.), and format (Klemets: Paragraph

[0035]. The metadata can be the encoded bit rate and the language, both of which constitute format.) of the media file, returning said metafile back to said client computer (Klemets: Paragraph [0039]), characterized in that the step of receiving a request for a particular media file from a client computer further comprises the steps of: intercepting a download request for the actual media file (Klemets: Figure 1. The media server intercepts the request from the client, and serves the media file from the file system to the client.) and reinterpreting said download request in a request for receiving a corresponding metafile (Klemets: Paragraph [0033]. As a result of the server receiving a request for a media file, the server requests metadata items from the file system and/or encoder. As the server is requesting items in addition to the one that the client requested, the request has been "reinterpreted" into a request for the media file and the metadata.).

With regards to claim 2, Klemets discloses that the step of reinterpreting said download request includes the step of deriving information about said corresponding metafile from a portion of the URL (Klemets: Paragraph [0031]. The URL determines the media file being requested, meaning that it is utilized, at least in part, to obtain the metadata.).

With regards to claim 3, Klemets discloses that the portion of the URL is the file extension of the requested media file (Klemets: Paragraph [0056]. The system of Klemets assigns attributes based in part if the format is ASF, which is the file extension as per paragraph [0031]).

Art Unit: 2144

With regards to claim 4, Klemets discloses that the step of providing a metafile comprises the steps of: dynamically generating a metafile (Klemets: Paragraph [0038]), and statically querying a metafile (Klemets: Paragraph [0038]. As the metadata items may be obtained from a separate file, the file is "queried" for the information.).

With regards to claim 6, Klemets discloses that the step of providing a metafile further includes the step of retrieving information about the configuration of at least one item chosen from the group comprising: version of the streaming product, type of the streaming product, location of the media file, load of the servers, load of the network, location of the client, quality of service (Klemets: Paragraphs [0049], [0074], [0075]. The items in the list are broad, as information about the version of the streaming product could constitute the file name, which is included in Klemets. The type of the streaming product can constitute any number of elements, some examples being found in the cited paragraphs. Also, to meet the claim language, any configuration information meets the language, as the group **comprises** version, type, location, load of the servers, load of the networks, location of the client, and quality of service. The open-ended language does not exclude the configuration information from being an element not on the list.).

With regards to claim 7, Klemets discloses that the step of providing a metafile further includes reading information about the client's preferred streaming format and forming a metafile in accordance with the client's preference (Klemets: Paragraph [0044]. The client is able to select different parameters involved with the streaming media file, including whether the file will be played as just audio, or as audio and video.

As the metafile is able to be generated based on the client's request, these factors would be at least read and used somehow to generate the metafile.).

With regards to claims 8-14 and 16-17, the claimed subject matter is substantially similar to the subject matter found in claims 1-4 and 6-7, and is rejected for substantially similar reasons.

With regard to claim 18, the instant claim is substantially similar to subject matter presented in claims 1-4, 6-13, and 15-17, with the exception that a MIME-type is provided at the metadata server and returned with the metafile to the client computer. However, Klemets discloses that a MIME type is included in the header, which is returned to the client (Klements: Paragraph [0049]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemets over knowledge possessed by a person of ordinary skill in the art.

With regards to claim 5, Klemets discloses the invention as substantially claimed (see above for claim 1 rejected under Klemets) except checking predefined filter criteria determining of whether or not a metafile is to be returned instead of the requested media file.

A person of ordinary skill in the art would have known how to perform this functionality. If the metafile is returned, the media file is to be streamed. If the media file is returned, then the media file is being downloaded rather than being streamed. The predefined filter can simply be the determination of what kind of request is being presented from the client.

It would have been obvious at the time of the invention to give the client a choice to download the media file or stream the media file, as represented by providing the metafile, in the system of Klemets.

The suggestion/motivation for doing so would have been that different system configurations and network configurations has a preference for downloading or streaming. In cases where memory is limited, streaming may be preferred. In cases where bandwidth is limited, downloading may be preferred, as the connection speed may not be able to support the streamed media, while a download would allow the user to access the media at an acceptable quality at a later time. Even if bandwidth is not limited, downloading may still be preferable as the client would have its own copy of the media file, allowing the client to access the file as often as desired without requiring a connection. Allowing a choice to be made based on the request, and providing a filter that determines whether the request should be responded to with metadata to allow streaming or the media file itself allows the client to optimize access to the file based on network conditions, the client's configuration, and the user's preferences.

With regards to claim 15, the claim is substantially similar to claim 5, and is rejected for substantially similar reasons.

### ***Response To Arguments***

#### **Rejection of Claims under 35 U.S.C. 102(e)**

With regard to the rejection of claims 1, 8, and 11, applicant argues that Klemets does not disclose "receiving a request for a particular media file from a client computer." Applicant also argues that Klemets also does not disclose that a metafile or metadata is returned.

With regards to the arguments that Klemets does not disclose "receiving a request for a particular media file from a client computer," examiner notes that Klemets relies on Real Time Streaming Protocol, which is described in RFC 2326 by Schulzrinne, et. Al. in April of 1998, hereafter referred to as "RFC2326." RFC2326 discloses that real time streaming protocol, at the minimum, involves the client sending a describe request, the server sending a response, then the client sending a setup followed by a play request to begin playing the file, with the session ending with a teardown to terminate the session (RFC2326: Section 10).

Real Time Streaming Protocol requires some method for initializing the media, and sets forth three methods for doing so (RFC2326: Section 10.2), with DESCRIBE being one of the methods to initialize the media. The DESCRIBE response includes information that is required to initialize the streaming media presentation, which may include the streaming media header (Klemets: Paragraph [0031]). Then the SETUP method is used to establish the connection to the server (Klemets: Paragraph [0032]), and finally, the client selects to play the streams (Klemets: Paragraph [0045]).



It is noted that a media file, in general, has two portions, a header portion and the actual video and/or audio portion. The header portion includes information on the video and/or audio portion that is required in order to present the media file. The teachings of Klemets requires that the DESCRIBE method be used in order to obtain the header portion, which is part of the media file as a whole. It is also noted that the RTSP DESCRIBE method requires identification of a particular media file (RFC2326: Section 10.2), which is typically identified by a specific URL. As such, the header may be considered to be part of the media file as a whole, where the RTSP DESCRIBE method begins download of the media file by downloading the header, then allowing the client to issue commands such as PLAY, PAUSE, RECORD, etc. A person of ordinary skill in the art would not interpret the PLAY method as requesting the specific media file (See, for example, Patent 6,640,244 B1 to Bowman-Amuah column 72, lines 1-8), which means that it would be recognized that the DESCRIBE method, as it is used to initialize the process for beginning a streaming media session, and requires identification of a specific presentation or media object that is identified by the request URL (RFC2326: Section 10.2, paragraph 1).

It is further noted that claim 1 does not specifically state what constitutes a request for a particular media file, as the request for a particular media file is not necessarily a request to download a particular media file, but may instead be a request that pertains to a particular media file, or, more specifically, a download request for information that pertains to a media file.

With regards to the argument that Kemets also does not disclose that a metafile or metadata is returned, Applicant seems to acknowledge that the SDP message, which is returned in response to the RTSP DESCRIBE method, may arguably contain metadata, and does not provide specific arguments of how it does not contain metadata, this argument does not warrant a response at this time.

Applicant has attempted to challenge the Examiner's assertion of what is well known in the art with respect to "checking predefined filter criteria determining of whether or not a metafile is to be returned instead of the requested media file" in the paragraph joining pages 14-15 of Applicant's arguments; however, applicant has not provided adequate information or argument so that *on its face* it creates reasonable doubt regarding the assertion of what is well known in the art. It is noted that a "predefined filter criteria" could include examining what kind of request is presented, and simply responding to the request accordingly (i.e. a request to stream a video would result in the metadata being returned to allow the stream to be initialized, meanwhile a request to simply download the file would result in the file being downloaded. Both of these examples are automatically responded to by checking predetermined criteria to determine what kind of request is being made, then determining whether to return metadata or the media file.). Applicant has made no showing that a person of ordinary skill in the art would not be able to have a server differentiate between a request that would require metadata (i.e. streaming media) and a request that would require the file

Art Unit: 2144

to be returned (i.e. a request to download the entire file). Therefore, the rejections of claims 5 and 15 are maintained.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571) 270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vaughn William can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBC

A handwritten signature in black ink, appearing to read 'W. CVR' followed by a large, stylized flourish.

WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100